

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE, SOUTHERN DIVISION
AT CHATTANOOGA**

**TONIA FIELDS, Individually and as Mother
and next friend of AYL A HARPER and as
Assignee of the Estate of CHRISTIAN
CONNOR,**

Plaintiffs,

v.

**STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY**

Defendant.

Case No: _____

U.S. District Judge _____

U.S. Magistrate Judge _____

NOTICE OF REMOVAL

COMES NOW, State Farm Mutual Automobile Insurance Company, (hereinafter referred to as "State Farm"), by and through counsel, pursuant to 28 U.S.C. §§1332, 1441 and 1446, and files this Notice of Removal of this civil action from The Circuit Court of Polk County, Tennessee, Held In The Ducktown Law Court, to the United States District Court for the Eastern District of Tennessee, Southern Division, at Chattanooga, and states as follows:

1. On January 20, 2012, plaintiff Tonia Fields, Individually and as Mother and next friend of Ayla Harper and as Assignee of the Estate of Christian Connior, filed a Complaint against this defendant in the Circuit Court of Polk County, Tennessee, at the Ducktown Law Court.

2. On January 26, 2012, the Complaint was served upon Brenda C. Mead, the designated agent for service of process with the Tennessee Department of Commerce and Insurance. The Tennessee Department of Commerce and Insurance forwarded the Complaint to State Farm's Murfreesboro, Tennessee office on February 1, 2011. A true and correct copy of all pleadings, process and the complaint served on State Farm is attached hereto as Exhibit A.

3. No further action has occurred on this case currently pending in Polk County Circuit Court at the Ducktown Law Court.

4. Pursuant to 28 U.S.C. §1332(a), this court has jurisdiction when the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs and is between citizens of different states.

5. The plaintiff, Tonia Fields, is and was, at all times relevant to this action, a resident of Bradley County, Tennessee. State Farm Mutual Automobile Insurance Company is incorporated in the State of Illinois with its principal place of business in Bloomington, Illinois, and is licensed to do business in the State of Tennessee.

6. The Complaint filed by Ms. Fields seeks damages related to a breach of contract via automobile insurance policy with State Farm Mutual Automobile Insurance Company. The plaintiff also alleges that this defendant engaged in bad faith, as contained in TENN. CODE ANN. §56-7-105 (2001, as supplemented).

7. The plaintiff seeks \$82,996.66 amount in compensatory damages. Plaintiff seeks exemplary damages through the bad faith statute. Pursuant to TENN. CODE ANN. §56-7-105 (2001, as supplemented), this statute allows for recovery of up to 25% above the loss for damages and, as pled in the complaint, these damages, at a minimum, would allow \$20,749.00 in additional recovery, totaling \$103,745.83.

8. Adding up the damages sought on the face of the Complaint, plaintiff seeks, at a minimum, approximately \$103,745.83 in damages. Thus, these amounts are in significant excess of the sum or value of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars, exclusive of interest and costs.

9. Complete diversity of citizenship exists between the plaintiff, Tonia Fields, and Defendant State Farm Mutual Automobile Insurance Company, and the amount in controversy in

this case, exceeds the threshold of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars. The jurisdictional threshold contained within 28 U.S.C.A. §1332 has been met.

10. This defendant has filed a copy of this notice with the Circuit Court for Polk County, Tennessee, and also served a copy to Robert Norred, the attorney for Ms. Fields.

WHEREFORE, PREMISES CONSIDERED, Defendant requests this action be removed from Circuit Court for Polk County, to the United States District Court for the Eastern District of Tennessee, Southern Division at Chattanooga. Defendant further requests a jury of six to hear this matter.

Respectfully submitted,

MCLEMORE LAW PLLC

By: /s/Jay R. McLemore

JAY R. MCLEMORE (#26727)

2550 Meridian Boulevard

Suite 200

Franklin, Tennessee 37067

*Attorney for State Farm Mutual Automobile
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Removal from Polk County Circuit Court has been served via United States mail, postage prepaid, to the following:

Robert G. Norred, Jr.
Logan-Thompson, P.C.
P.O. Box 191
Cleveland, TN 37364-0191

Connie Clark
Circuit Clerk of Polk County
Polk County Justice Center
167 Industrial Access Circle,
Benton, TN 37307-0256

This the 24th day of February, 2012.

/s/Jay R. McLemore
JAY R. McLEMORE